
SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Adoption of the Evaluation and Appraisal Report (EAR)-based amendments to the Seminole County Comprehensive Plan, including a change to the name of the Comprehensive Plan, and submittal to the State Department of Community Affairs

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori DeBord

CONTACT: Sheryl Stolzenberg

EXT: 7383

MOTION/RECOMMENDATION:

1. Adopt and authorize the Chairman to execute an ordinance amending the Seminole County Comprehensive Plan text, exhibits and Future Land Use map, to incorporate the proposed Evaluation and Appraisal Report (EAR)-based amendments, including a change to the name of the Comprehensive Plan, and authorize submittal of the revised Comprehensive Plan to the State Department of Community Affairs (DCA); or
2. Deny the adoption of the proposed EAR-based text and map amendments; or
3. Continue the public hearing to a time and date certain.

County-wide

Sheryl Stolzenberg

BACKGROUND:

Chapter 163, Florida Statutes, requires adoption of a progress report on all local comprehensive plans, called the "Evaluation and Appraisal Report" , or "EAR" every seven years. The EAR is submitted to the State Department of Community Affairs (DCA). EAR adoption is then to be followed by adoption of amendments to address findings of the EAR.

The Board of County Commissioners of Seminole County adopted its most recent EAR on August 8, 2006, and the EAR was found to be 'sufficient' by DCA on October 16, 2006. On July 22, 2008, the Board of County Commissioners voted to transmit EAR-based amendments to DCA.

An Objections, Recommendations and Comments (ORC) report on the EAR-based amendments was issued by DCA on October 31, 2008. Following consultation with the DCA staff, revisions to the text and exhibit amendments have been proposed. Additional supporting data and analysis have also been prepared.

The revisions to the text and exhibits have been incorporated into the pages of the revised Comprehensive Plan that accompany this agenda memorandum as Exhibits to the Adoption Ordinance. Also provided is a table summarizing the proposed Comprehensive Plan revisions written to respond to the ORC. The ORC Report itself is also attached, containing a summary response to each Objection.

STAFF RECOMMENDATION:

Staff recommends that the Board adopt and authorize the Chairman to execute an ordinance amending the Seminole County Comprehensive Plan text, exhibits and Future Land Use map, to incorporate the proposed Evaluation and Appraisal Report (EAR)-based amendments, including a change to the name of the Comprehensive Plan, and authorize submittal of the revised Comprehensive Plan to the State Department of Community Affairs (DCA).

ATTACHMENTS:

1. Adoption Ordinance

Additionally Reviewed By:

☒ County Attorney Review (Kathleen Furey-Tran)

AN ORDINANCE AMENDING ORDINANCE NUMBER 2001-21, AS PREVIOUSLY AMENDED; CHANGING THE TITLE OF THE SEMINOLE COUNTY COMPREHENSIVE FROM THE "VISION 2020 SEMINOLE COUNTY COMPREHENSIVE PLAN" TO THE "SEMINOLE COUNTY COMPREHENSIVE PLAN"; AMENDING THE TEXT AND EXHIBITS OF THE CAPITAL IMPROVEMENTS, CONSERVATION, DRAINAGE, FUTURE LAND USE, HOUSING, IMPLEMENTATION, INTERGOVERNMENTAL COORDINATION, INTRODUCTION, POTABLE WATER, PUBLIC SCHOOL FACILITIES, RECREATION AND OPEN SPACE, SANITARY SEWER, SOLID WASTE, TRANSPORTATION ELEMENTS OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN; REPEALING THE DESIGN, ECONOMIC, ENERGY, LIBRARY SERVICES, AND PUBLIC SAFETY ELEMENTS OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTIES BY VIRTUE OF LARGE SCALE DEVELOPMENT AMENDMENTS; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County, Florida (herein referred to as the "Board") has consistently demonstrated its commitment to comprehensive planning as witnessed by initiation of a comprehensive planning program in the 1970s, well in advance of any statewide legislation relating to comprehensive planning by local governments in the State of Florida, and as witnessed by enactment of the "Seminole County Comprehensive Planning Act of 1974" by the Florida Legislature as set forth in Chapter 74-612, Laws of Florida, and as otherwise demonstrated by this Ordinance; and

WHEREAS, the Florida Legislature enacted the "Local Government Comprehensive Planning Act of 1975" as set forth in Chapter 75-257, Laws of Florida; and

WHEREAS, the Board adopted the County's first comprehensive plan in 1977 by Seminole County Ordinance Number 77-25, consistent with the "Local Government Comprehensive Planning Act of 1975"; and

WHEREAS, the Florida Legislature enacted the "Local Government Comprehensive Planning and Land Development Regulation Act of 1985", which, in addition to subsequent amendment thereto, is codified in Part II, Chapter 163, Florida Statutes;

WHEREAS, the Board enacted Seminole County Ordinance 87-14, adopting the "Seminole County Comprehensive Plan: 1987 Interim Update", pursuant to the "Seminole County Comprehensive Planning Act of 1974", and Part II, Chapter 163, Florida Statutes; and

WHEREAS, the Board enacted Seminole County Ordinance 91-13, adopting the "1991 Seminole County Comprehensive Plan", pursuant to Part II, Chapter 163, Florida Statutes; and

WHEREAS, the Board enacted Seminole County Ordinance Number 2001-21 , adopting the "Vision 2020 Seminole County Comprehensive Plan", which has been subsequently amended in accordance with State law; and

WHEREAS, the Board wishes to amend the Plan to comply with the of the findings and recommendations of the "Seminole County Evaluation and Appraisal Report 2006", pursuant to Part II, Section 163.3191, Florida Statutes and further wishes to rename the "Vision 2020 Seminole County Comprehensive Plan" to the "Seminole County Comprehensive Plan" (referred to herein as the "Plan") ; and

WHEREAS, the County held numerous community workshops as witnessed in the "Evaluation and Appraisal Report-Based Amendments Report to the Seminole County Comprehensive Plan"; and

WHEREAS, the Board has followed the procedures set forth in Part II, Sections 163.3184, 163.3187, and 163.3191, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to Evaluation and Appraisal Report Plan Amendments; and

WHEREAS, the Board has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a public hearing on May 7, 2008, with all required public notice for the purpose of receiving public input and providing recommendations to the Board of County Commissioners with regard to the Plan amendments set forth herein; and

WHEREAS, the Board held public hearings on July 22 and December 9, 2008, with all required public notice for the purposes of hearing and considering the recommendations and comments of the general public, the Seminole Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendments set forth herein; and

WHEREAS, the Board hereby finds that the Plan, as amended by this Ordinance, is internally consistent with and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, Chapter 187, Florida Statutes, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council; and

WHEREAS, all required State agencies have reviewed the Plan amendments set forth herein , and the Board has considered the Objectives, Recommendations and Comments Report prepared by the Department of Community Affairs ; and

WHEREAS, the Seminole County Home Rule Charter requires preparation of an Economic Impact Statement that addresses the potential fiscal impacts and economic costs of each text amendment enacted by this Ordinance upon the public and taxpayers of Seminole County, and the County has prepared such Economic Impact Statement which was made available for public review and copying prior to the enactment of this Ordinance in

accordance with the provisions of the Seminole County Home Rule Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Legislative Findings. The above recitals are true and correct in form and include legislative findings, which are a material part of this Ordinance.

Section 2. Amendments to Future Land Use Designations. The Future Land Use Map of the Future Land Use Element of the Plan is hereby amended by changing the future land use designation to the properties depicted there and legally described in Exhibits and A, B, and C (attached hereto and incorporated here by this reference) as noted on the following table:

| Exhibit | Name | Amendment | Amendment Number |
|----------------|---|--|-------------------------|
| A | Seminole County EAR-Based Amendment | Commercial to Mixed Development | 08EAR.FLUM1 |
| B | Seminole County EAR-Based Amendment | Recreation to Preservation/Managed Lands | 08EAR.FLUM2 |
| C | Seminole County EAR-Based Amendment | Conservation to Environmentally Sensitive Lands Overlay | 08EAR.FLUM3 |

Section 3. Text Amendments.

(a) This Ordinance amends the text of the Elements of the Plan and repeals certain Elements of the Plan as set forth in Exhibit D (attached hereto and incorporated herein by this reference) as noted in the following table:

| Element Type and Name | Element Amendment Number |
|----------------------------------|---------------------------------|
| <i>Amended Elements</i> | |
| • Capital Improvements | 08EAR.TXT.CIE01 |
| • Conservation | 08EAR.TXT.CON02 |
| • Drainage | 08EAR.TXT.DRG04 |
| • Future Land Use | 08EAR.TXT.FLU07 |
| • Housing | 08EAR.TXT.HSG08 |
| • Implementation (optional) | 08EAR.TXT.IMP09 |
| • Intergovernmental Coordination | 08EAR.TXT.IGC10 |
| • Introduction (optional) | 08EAR.TXT.INT11 |
| • Potable Water | 08EAR.TXT.POT13 |
| • Public School Facilities | 08EAR.TXT.PSF19 |
| • Recreation and Open Space | 08EAR.TXT.REC15 |
| • Sanitary Sewer | 08EAR.TXT.SAN16 |
| • Solid Waste | 08EAR.TXT.SOL17 |
| • Transportation | 08EAR.TXT.TRA18 |
| <i>Repealed Elements</i> | |
| • Design (optional) | 08EAR.TXT.DES03 |
| • Economic (optional) | 08EAR.TXT.ECM05 |
| • Energy (optional) | 08EAR.TXT.ERG06 |
| • Library Services (optional) | 08EAR.TXT.LIB12 |
| • Public Safety (optional) | 08EAR.TXT.PUB14 |

(b) The text of the Elements listed above, including associated exhibits, maps, tables, figures, charts, and graphs, set forth in this Ordinance as Exhibit C shall be deemed to be an integral part of this Ordinance as if fully set forth verbatim herein, and shall be deemed internally consistent.

Section 4. LEGAL STATUS OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN

(a) Except as modified herein, all provisions of Ordinance 2001-21, as amended, remain in full force and effect.

(b) Pursuant to State law, all development undertaken by and all actions taken in regarding to development orders by the Board with regarding to the unincorporated areas of Seminole County, shall be consistent with the Seminole County Comprehensive Plan, and all land development regulations enacted or amended shall be consistent with the Seminole County Comprehensive Plan.

Section 5. Severability.

(a) The enactment of this Ordinance includes three (3) Future Land Use map amendments and 19 text amendments.

(b) If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 6. Exclusion from County Code/Codification.

(a) It is the intent of this Board that the provisions of this Ordinance shall not be codified into the Seminole County

Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of or as a volume of the Land Development Code of Seminole County in accordance with prior directions given to the said Code codifier.

(b) The Board hereby grants the Code Codifier broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 7. Effective Date.

(a) The Clerk of the Board of County Commissioners shall provide a certified copy of this Ordinance to the Florida Department of State in accordance with State law.

(b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendments set forth herein shall be twenty-two (22) days after the Florida Department of Community Affairs publishes a notice of intent to find the Plan amendments in compliance, if no affected party challenges the Plan amendments, or, if an affected party challenges the Plan amendments, when the Florida Department of Community Affairs issues , or the Administration Commission issues a determination that the amendments are in compliance in accordance with Part II, Section 163.3184, Florida Statutes, whichever occurs

earlier. The County shall not issue development orders or development permits, if dependent upon an amendment, or commence before an amendment has become effective. If the Administration Commission issues a final order of noncompliance adopting a resolution affirming its effective status, the Clerk of the Board of County Commissioners shall provide a copy of said resolution to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

ENACTED this 9th day of December 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
BRENDA CAREY, CHAIRMAN

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Exhibit A

Commercial to Mixed Development
08EAR.FLUM1

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Exhibit B

Recreation to Preservation/Managed Lands
08EAR.FLUM2

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Exhibit C

Conservation to Environmentally Sensitive Lands Overlay
08EAR.FLUM3

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Exhibit D

Evaluation and Appraisal Report-Based Amendments to the Vision 2020 Seminole County Comprehensive Plan

To view the amendments to the comprehensive plan please check [here](#)

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